

City of Cody
Planning, Zoning and Adjustment Board
Tuesday, April 10, 2012

A regular meeting of the Cody Planning, Zoning and Adjustment Board was held in Council Chambers of City Hall in Cody, Wyoming on Tuesday, April 10, 2012 at 12:00 PM

Present: Jacob Ivanoff; Justin Lundvall; Kim Borer, Chairperson; Bud McDonald; Mark Musser; Bob Senitte; Steve Miller, Council Liaison; Sandra Kitchen, Deputy City Attorney; Todd Stowell, City Planner; Utana Dye, Certified Engineering Technician II;

Absent: Rick Brasher, Vice Chairperson; Jolene Osborne, Engineering Administrative Assistant;

Chairperson Kim Borer called the meeting to order at 11:59 PM, followed by the pledge of allegiance.

Bud McDonald made a motion seconded by Justin Lundvall to approve the Agenda. Vote on the motion was unanimous, motion carried.

Bud McDonald made a motion seconded by Justin Lundvall to approve the minutes of the March 27, 2012 regular meeting. Vote on the motion was unanimous, motion carried.

Chairperson Kim Borer opened a public hearing at 12:00 PM, to determine if it is in the public interest to grant a special exemption to reduce/waive the buffer and screening requirements for a pole barn at 3713 Sheridan Avenue—Applicant Roy Holm.

No one spoke to the issue.

Upon calling for comments three times and there being none, Chairperson Kim Borer closed the public hearing at 12:01 PM.

Chairperson Kim Borer opened a public hearing at 12:02 PM, to determine if it is in the public interest to grant a special exemption to allow Bright Beginnings Daycare and Preschool to operate in Open Gate Fellowship Church at 3219 Sheridan Avenue, within the Residential A zone.

No one spoke to the issue.

Upon calling for comments three times and there being none, Chairperson Kim Borer closed the public hearing at 12:03 PM.

PRESENTATION OF COMMUNICATIONS:

Kyalonni Zierke, owner of Bright Beginnings Daycare, spoke in regard to the special exemption application to allow Bright Beginnings Daycare and Preschool to operate in Open Gate Fellowship Church at 3219 Sheridan Avenue, within the Residential A zone.

Todd Stowell presented the staff report in regard to the application, especially pertaining to the limitations of the special exemption process.

Justin Lundvall made a motion seconded by Bud McDonald to table the item until the 1st meeting in May. Vote on the motion was unanimous, motion carried. Robert Senitte abstained from voting.

Curtis Ryan of Greenwing Properties, LLC spoke regarding his conceptual plan for a three-lot subdivision on Big Horn Avenue and requested feedback from the board. He provided the board with additional information to address comments from staff that outlined the utilities, access, alleys, drainage, and blocks.

Todd Stowell presented the staff report in regard to the proposed GW Minor Subdivision Conceptual Plat and provided feedback to the applicant. Todd indicated that at the time of the staff report he was not aware of the situation with the Pintail Street extension—that it was given to the City after the Greenwing Subdivision was completed. He did say that the board needs to determine the situation with the access to the road and noted the possibility of a road improvement district, in which costs would be shared at some future time when the street is developed.

Kim asked Todd on what his experience is with alleys. Todd indicated that where he has worked commercial alleys were not required.

Bob Senitte asked about requirements for the alley, and whether the residents on the north side would like to see the alley ways for the commercial property. Curtis said there is commercial zoned land all the way around property.

Kim asked if they can move the entrances into the lots. Curtis stated that they can move the entrance and that there are several different possibilities.

Kim asked if on the final plat if there will be drainage shown on the plat. Curtis commented that there will be a note on the plat that any development on the three lots will be responsible for the storm water runoff.

Curtis wanted to know what the boards input is on the development of the street from Pintail to C Street. He would not have a problem.

Mark agreed with not doing the Bakken Avenue to Big Horn Avenue street shown on the street master plan. He was not against putting in the street from C Street to Pintail Street, because there was only one way in and out. He does think assessing Greenwing would be a good idea. He was not opposed to asking the five lots to split the cost of developing the street.

Justin agreed with Mark as to that there was no other entrance into and out of the subdivision. He did not see how they could burden the other lots with the cost of developing the road.

Steve Miller made the comment that he remembers when the property was give to the City by Curtis Ryan and his partners. There was discussion at that time. He also stated that if you count the alley there is another way out of the subdivision. He stated that the street that is shown on the Master Plan coming from Bakken Avenue to Big Horn Avenue was probably not going to happen. Steve commented that he did not think it would be fair to go in and make an assessment on future property owners. Who would really benefit from it?

Jake Ivanoff asked if Mr. Ryan would be able to build a road in between Thiel's Condos. Curtis stated no, because it was Thiel's property.

Kim had stated that the street extending through to Big Horn Avenue was a hot topic during the Heart Mountain Condo Project and the adjacent subdivisions were opposed to the continuation of the street. Kim also stated that she could almost see the alley extending through as they are a full street. She did not think that the developer should have to deal with the road being developed. She concurred with Mark, Justin and Councilman Miller that it needs to be dealt with on a larger basis.

Discussion of the conceptual plat concluded.

Todd Stowell presented the staff report on additional storage units at 710 19th Street. He presented to the board the key points of the staff report. He went into great detail about the shared facilities and easements, landscaping, installation of sidewalks, the additional curb cut and the location of the private power line within the right-of-way.

Curtis Ryan commented on the staff review and went over all of the items. He proposes to consolidate the lots into one lot and no longer have individual lots. No easements or shared agreement will be needed. The storm water system has been engineered by the engineers and will be adequate for the property. Mr. Ryan did not anticipate installing the sidewalk along Cougar Avenue.

Curtis Ryan commented that with the landscaping on the south side, he would have done it anyway. He is planning on doing the same landscaping on Cougar as he has done on 19th Street. He will be landscaping along 19th Street to the alley along Cougar Avenue. The approach that is located on the plans is the one for the second building and has not been built yet. There is another curb cut that he is proposing to use with this building. He would like to put large boulders around the power pole, but it will have to be determined after the building is built if the building is too close to the power pole, then it would not be used. The power service in the right of way, as shown on the site plan, was not his intent.

Jake Ivanoff made a motion seconded by Justin Lundvall to approve the site plan application submitted by Curtis Ryan for property located at 714 19th Street with the following conditions: Accept all of Staff's recommendation with modifications to items number 1, 3, and 5 as follows.

1. Consolidate the lots from three lots to one lot prior to occupancy.
2. The installation of the storm water management system will need to be inspected and certified by the engineer, in writing, that it was built as design.
3. The applicant shall be responsible for installation of sidewalk along the Cougar Avenue frontage when the City Council deems necessary.
4. The unused curb cut must be removed and replaced with standard curb and gutter sidewalk.
5. Landscaping shall also be provided along the entire Cougar Avenue frontage, between the back of sidewalk and property line. The type of landscape shall be dry scape. A landscape bond must be posted for the work before issuance of the building permit.
6. The private power line must be located on the subject property, rather than in the public street right-of-way, unless otherwise authorized by the City Council.

The project must otherwise comply with the submitted site plan and applicable building, fire, and electrical codes. A building permit application is required. All requirements must be completed prior to use of the facility and issuance of a certificate of occupancy.

Vote on the motion was unanimous, motion carried.

Jeremy Glib with GDA spoke on behalf of CTR project located at 2401 Sheridan Avenue. Jeremy went over the staff report and addressed the comments made by staff.

Todd Stowell spoke to the board regarding the proposal. Todd mention that the Public Works Director Steve Payne was willing to go before City Council and ask to install the curb and gutter this spring, and the applicant would then be required to do the sidewalk.

Jake Ivanoff recused himself from the discussion.

Mark Musser made a motion seconded by Bud McDonald to approve the site plan application submitted by CTR for property located at 2401 Sheridan Avenue with the following conditions:

1. Prior to issuance of the certificate of occupancy, the interior lot lines must be consolidated into one lot.
2. The existing well must be abandoned in compliance with SEO requirements.
3. The installation of the storm water system will need to be inspected and certified by the engineer, in writing, that it was built as designed.
4. The applicant shall be responsible for installation sidewalk at the southwest corner of the property to the northwest corner of the storage facility property when the city installs curb and gutter along Blackburn Avenue. Installation shall be according to City specifications.
5. Landscaping shall be provided along the entire Blackburn Street frontage (except at the entrances), between the back of sidewalk and property line. The type of landscaping shall have more greenery. A landscape bond in the amount of 110% of the value of the improvement must be posted for the work before issuance of the building permit. The applicant must come back with a landscape plan to the board before Certificate of Occupancy is issued.
6. Any unused road approaches/road cuts must have some barrier, such as bollards, so that the approach is not usable. This requirement will likely only apply to the approach on Sheridan Avenue near the intersection.
7. The project must otherwise comply with the submitted site plan and applicable building, fire, and electrical codes. A building permit application is required

Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report for the Roy Holm special exemption, explaining that the 42' by 80' pole building was originally proposed to the Planning, Zoning and Adjustment Board at their March 13, 2012 meeting. At that time the Board determined that a Special Exemption application would be necessary if the building was to be located as proposed.

Roy Holm spoke regarding his special exemption application. He also asked for clarification as to what uses the special exemption would apply.

The Special Exemption request is to allow the pole building to remain at the location where it began to be constructed, which is just less than ten feet from the west property

line, and to waive the requirements for a 15-foot wide buffer zone and visual screen along the west property line, as required by Section 10-10B-3, City of Cody Code.

Bud McDonald made a motion seconded by Justin Lundvall to approve the special exemption request submitted by Roy Holm to construct a pole barn at 3713 Sheridan Avenue within the setbacks as presented after finding the following:

- a. The special exemption will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties as there are outbuildings and trees between the residence and proposed pole barn and the use of the pole barn will likely be low;
- b. The special exemption is designed to be compatible with adjacent land uses and the area or neighborhood as the neighboring property owner did not object and use is similar;
- c. The special exemption is the minimum deviation from the specifications of the zoning ordinance necessary and adequate for the proposed activity, structure or use as the setback exemption is the minimum necessary to allow the building to remain as located;
- d. The benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue other than a special exemption;
- e. Adequate services and infrastructure are or will be available to serve the proposed activity, structure or use as no services are proposed or needed; and
- f. The special exemption is consistent with the goals, policies and future land use map of the master plan as the situation does not present a significant impact to the residential neighborhood.

With the condition that the approval be extended to any agricultural, residential, and accessory uses of the property, but not to any future retail or commercial activities.

Jake Ivanoff, Justin Lundvall, Kim Borer, Bud McDonald, Mark Musser voted in favor of the motion. Bob Senitte opposed the motion. Motion carried.

Bud McDonald made a motion seconded by Justin Lundvall to approve the site plan application submitted by Roy Holm to construct a pole barn at 3713 Sheridan Avenue with the condition that they obtain a building permit.

Vote on the motion was unanimous, motion carried.

Justin Lundvall made a motion seconded by Bud McDonald to table the new windows submitted by Shoshone Title located at 1002 13th Street until further information is provided (window locations and details).

Bud McDonald made a motion seconded by Justin Lundvall to recommend the City Council to enter into an agreement with AECOM as the consultant to lead the Master Plan Update.

Meeting adjourned at 2:05 PM.

Utana Dye
Certified Engineering Technician II